



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 683 OF 2026

RISHIKESH PRABHAKAR MAHOR (TELI)
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Ghanekar Nilesh S.
APP for Respondent/s-State : Mr. S. B. Narwade.
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CORAM : SHAILESH P. BRAHME, J.

RESERVED ON : 06.05.2026

PRONOUNCED ON : 08.05.2026

FINAL ORDER :-

1. Heard both sides.
2. The applicant is seeking bail in respect of offence bearing Crime No.288 of 2025, registered with Jamner Police Station, District Jalgaon, for the offences punishable under Sections 109(1), 103(1), 103(2), 140, 189(2), 191(2), 191(3), 190, 118(1), 115(2), 352, 351(2) of the Bharatiya Nyaya Sanhita.
3. The applicant is arrested on 14.08.2025. Charge-sheet is filed on 07.11.2025.
4. A report was lodged by father of the deceased Suleman that he was informed by Dongarsing Rajput that his son was

being assaulted by mob. On reaching the spot, son was found to be lying injured and 10 to 15 persons were having sticks, wooden rod and they were assaulting him. Informant and his wife tried to intervene but they were also assaulted. On inquiry, injured son told them that he was being assaulted at Bus Stand of Jamner. Lateron, he succumbed to the injuries. It revealed during investigation that deceased was seen in the Brand Cafe along with a girl belonging to Hindu community which was the cause for assault.

5. Learned counsel for the applicant submits that no specific role is attributed to his client. No incriminating material is available against him. The eye witnesses also do not disclose his involvement. Nothing is seized from his client except mobile. The test identification parade is also defective. Accused Nos.1 to 4 have been released on default bail.

6. The submissions are repelled by the respondent on the ground that there are five eye witnesses who are stated to be consistent. The weapon query report and CCTV footage support the prosecution case. The eye witnesses have specifically identified the applicant in the test identification parade.

7. The motive for assaulting Suleman was that he was having friendship with girl from Hindu community. They were seen in the Cafe. Few persons had arrived at cafe and started objecting the couple. The girl ran away but the deceased was abducted by the mob. He was taken to the place near Bus Stand and assaulted. Accused Nos.1 to 4 and their overt act have been consistently spelt out in the FIR and the statements of the witnesses.

8. First Information Report does not spell out applicant's name and his involvement though many persons are referred. The eye witness Dongarsing, Muskan, Tabassum would disclose that the assault by accused Nos.1 to 4 on Suleman. The name of the applicant is referred cursorily without any specific overt act thereby his presence at the most can be made out. The allegations against him are omnibus in nature. He is not stated to be armed with any weapon.

9. I have gone through CCTV footage but that would not enure to the benefit of prosecution. Nothing incriminating is noticed. Applicant has been identified by eye witnesses in the test identification parade. The deceased has been assaulted by number of persons. The witnesses and the accused are from the same village. Applicant is bound to be identified. That is

not sufficient to show his involvement in the crime. The Post Mortem Report and the weapon query report are not sufficient to attribute involvement of the applicant.

10. Co-accused Nos.1 to 4 have been released on default bail. Reliance is placed on order dated 19.04.2022 passed by the Co-ordinate Bench to buttress that the default bail has also significance and parity can be invoked. No motive can be attributed to the applicant. No material is available to show that there was conspiracy with a common object to assault Suleman. Applicant is also entitled to be enlarged on bail. I, therefore, pass the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) Applicant **RISHIKESH PRABHAKAR MAHOR (TELI)** shall be released on bail in Crime No.288 of 2025, registered with Jamner Police Station, District Jalgaon, for the offences punishable under Sections 109(1), 103(1), 103(2), 140, 189(2), 191(2), 191(3), 190, 118(1), 115(2), 352, 351(2) of the Bharatiya Nyaya Sanhita on furnishing P. R. bond of Rs.50,000/- (Rupees fifty thousands only)

with one solvent surety of like amount on the following conditions :

- (a) The applicant shall not tamper with the prosecution evidence or contact the prosecution witnesses.
 - (b) The applicant shall stay away from entire Jamner Taluka till conclusion of the trial, save and except attending the dates of trial.
 - (c) The applicant shall inform his whereabouts and contact numbers to the Investigating Officer.
 - (d) The applicant shall surrender his Aadhar Card and PAN Card to the Investigating Officer, if any.
 - (e) The applicant shall not indulge in similar type of any such offence.
 - (f) The applicant shall co-operate for expeditious disposal of the trial and attend the dates punctually.
- (iii) Bail application is disposed of accordingly.

(SHAILESH P. BRAHME, J.)

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vmk/-